

HEALTH REGULATION # 3

FOOD AND BEVERAGE HANDLERS PERMITS



Adopted by the Tooele County Board of Health

March 1, 2001

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

By: _____
Director

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TOOELE COUNTY HEALTH DEPARTMENT REGULATIONS FOR FOOD AND BEVERAGE PERMITS

1.0 PURPOSE

The purpose of these regulations are deemed necessary for the promotion of public health, environmental health and the prevention of outbreaks and spread of communicable or infectious diseases.

2.0 DEFINITIONS

- 2.1 Department: The Tooele County Health Department.
- 2.2 Director: The Director of the Tooele County Health Department or an authorized representative.
- 2.3 Employee: Shall mean any person who handles food or drink during preparation, storage, or sale, or who comes in contact with a drink container, or utensils, used in preparation of food or food products, (or who is employed as a food handler at any time in a room in which food or drink is prepared or sold.)
- 2.4 Food Service Establishment: Any place where food or drink is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, supply vehicles, private parties for which a membership fee is not required and religious activities when the public is not invited to attend.
- 2.5 Nuisance: Unlawfully doing any act which either annoys, injures or endangers the comfort, repose, health or safety of any person, or that renders a person insecure in life or the use of property.

3.0 ISSUANCE OF PERMITS

- 3.1 All food and beverage service workers must pass a Food Handlers Examination and hold a

valid Food Handlers Permit acceptable to the Department. All employees Food Handlers Permits must be available to the health authority for review on demand.

- 3.2 Employees or volunteers who work not more than one to three days in a temporary food service establishment shall be exempted from obtaining a Food Handlers Permit, provided that the operator of the temporary establishment has a valid Food Handlers Permit. Volunteers who work in a food service establishment are also exempted from obtaining a Food Handlers Permit, provided that at least one person who is responsible for said establishment has a valid Food Handlers Permit and directly supervises all volunteers.
- 3.3 Examination of Food Handlers Cards: The Department shall issue food handlers cards only to those persons who, after making proper application, successfully pass a written examination based on the requirements of the Code of Food Service Sanitation Regulations adopted herein. The Department may prescribe such other requirements as it deems necessary.
- 3.4 Food Handlers Cards: A fee, as established by the Tooele County Board of Health, shall be submitted by each applicant for food service employment. Any person needing to obtain a copy of a valid permit shall also submit a fee. The Department shall remit said fees to the Tooele County Clerk.
- 3.5 Expiration of Food Handlers Cards: All food service employees' cards shall expire after a period of time as determined by the Tooele County Board of Health, and must be renewed prior to expiration date by proper application to the Department. Permits may be renewed upon completion of requirements specified for issuance of a new card, or any lesser requirements as specified by the Department.

4.0 REVOCATION OF PERMIT

- 4.1 The Department may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules and regulations, or for interference with the Department in the performance of duty.
- 4.2 Prior to revocation, the Department shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of 10 days following service of such notice unless a written request for hearing is filed with the Department within the 10-day period.

5.0 ENFORCEMENT

- 5.1 The Tooele County Health Department, Environmental Health Division, is charged with the enforcement of the provisions of these rules and regulations.
- 5.2 The Department may, if it determines a serious health hazard exists, order closed all or part of a food service establishment's operation(s).

6.0 RIGHT TO APPEAL

- 6.1 Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request. A written notice of the Director's final determination shall be given within 10 calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.

7.0 PENALTY

- 7.1 Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 7.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 7.3 The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.
- 7.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

8.0 SEVERABILITY

- 8.1 If any provision, clause, sentence, or paragraph of these rules and regulations or the

application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provisions or application and to this end the provisions of these regulations are hereby declared to be severable.

IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved and adopted this regulation this ____ day of _____, _____.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH

MYRON E. BATEMAN,
Health Officer

KATHY TAYLOR,
Chairperson